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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,727	07/09/2001	Gunter Schmidt	3400P008	7800

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EXAMINER

TRAN, MAI T

ART UNIT PAPER NUMBER

2121

DATE MAILED: 10/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/806,727

Applicant(s)

SCHMIDT ET AL.

Examiner

Mai T. Tran

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/9/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The disclosure is objected to because of the following informalities: underlined words and/or sentences. Appropriate correction is required.

### ***Claim Objections***

Claims 1-4 are objected to because of the following informalities: the square brackets, the parentheses, and underlining should be removed from the specification and claims. Appropriate correction is required.

Claims 5-30 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-30 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the invention as disclosed in claims 1-4 is directed to non-statutory subject matter: a fractal network for handling complex structures.

Claims 1-4 are not claimed to be practiced on a computer; therefore, it is clear that the claims are not limited to practice in the technological arts. The claims set forth an invention that may be practiced by paper and pencil. Applicant's Figure 2 is considered to completely represent the invention as claimed.

To expedite a complete examination of the instant application the claims are rejected under 35 USC 101 as being nonstatutory. Further, the claims are rejected, as set forth below in anticipation of applicant amending these claims to overcome the rejection under 35 USC 101.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by  
“Semantic Networks and Associative Databases: Two Approaches to Knowledge Representation and Reasoning” by Eo-Pong Lim et al, hereinafter referred to as Lim.

#### **Claim 1**

Claim 1: A fractal network for handling complex structures, wherein the fractal network is comprised of a multiplicity of units is anticipated by Lim, Figure 5 page 35,

(the structure of the network is considered to be the same at different levels), wherein said fractal network contains semantic units each possessing informational contents (rectangular nodes in Figure 5 page 35), as well as linking units describing a relational content (triangular nodes in Figure 5 page 35) which links two respective semantic units in such a way that the mutual relation of the two linked semantic units is determined by the relational content (triangular node B1 in Figure 5 page 35), characterized in that the network additionally contains specific semantic Janus units (rectangular nodes such as has-taste in Figure 5 page 35) which are capable of carrying out specific operations on further semantic units (rectangular nodes such as salty in Figure 5 page 35).

#### **Claim 2**

Claim 2: A fractal network according to claim 1, characterized in that each Janus unit (rectangular nodes such as has taste) is linked with one or several further semantic units (rectangular nodes such as Ham, Pea) through one or several linking units (B1), with the functionality of the Janus unit being restricted so as to be only capable of performing the specific operations on those semantic units located in a predetermined vicinity range of this one or these several linked semantic units (note the lines indicating the linkage of Janus unit in Figure 5 page 35).

#### **Claim 3**

Claim 3: A fractal network according to claim 1, characterized in that a Janus unit (rectangular node) is optionally linked with one or several further Janus units through one or several linking units (B1 is considered to linked to the other triangular nodes through the semantic nodes).

#### **Claim 4**

Claim 4: A fractal network according to any one of claims 1 to 3, characterized in that a Janus unit (rectangular node) is capable of carrying out the following operation: comparing existing semantic units (has taste compares Ham and salty).

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Makhlof, U.S. Patent Number 6,789,054 discloses geometric display tools and methods for the visual specification, design automation, and control of adaptive real systems.
2. Short, U.S. Patent Number 5,539,862 discloses a system and method for the design of software system using a knowledge base.
3. Tyler, U.S. Patent Number 4,912,648 discloses an expert system inference engine.
4. Heckerman, U.S. Patent Number 2004/0181554 discloses an apparatus and accompanying methods for visualizing clusters of data and hierarchical cluster classifications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (703) 305-3900. The examiner can normally be reached on M-F 8:30am -- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (703) 308-3179 or (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mai T. Tran  
Patent Examiner  
Date: 10/1/04



Anthony Knight  
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